

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Kevin COLLINS, et al.

Serial No.: 10/804,223

Filing Date: March 19, 2004

For: USE OF LACTOBACILLUS SALIVARIUS

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Attention: APPLICATION BRANCH
MISSING PARTS OF APPLICATION**

Sir:

With respect to the above-identified patent application, the following are filed herewith in response to the Notice to File Missing Parts of Nonprovisional Application under 37 C.F.R. §1.53, mailed June 1, 2004, copy attached.

 Declaration in compliance with 37 C.F.R. §1.63.

 Small Entity Declaration under 37 C.F.R. §§1.9 and 1.27.

 Certified copy of ** Application No. ** , filed ** , priority of which is claimed under 35 U.S.C. §119.

 X Petition for five month Extension of Time.

 X Filing Fee, calculated as follows:

	<u>Small Entity</u>	<u>Large Entity</u>	
Basic Filing Fee	\$150	// \$300	150.00
Utility Search Fee	\$250	// \$500	250.00
Utility Examination Fee	\$100	// \$200	100.00
Total Claims: <u> 0 </u> - 20 = <u> 0 </u>	(x \$25 =)	// (x \$50 =)	0.00
Indep. Claims: <u> 0 </u> - 3 = <u> 0 </u>	(x \$100 =)	// (x \$200 =)	0.00
<u> X </u> Surcharge-Late Filing: + \$65			65.00
<u> X </u> Extension Fee under 37 CFR §1.17			1080.00
			+ _____

TOTAL FILING FEES:

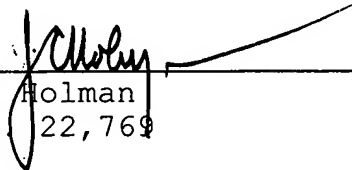
\$1,645.00

Appln. No. 10/804,223

A Credit Card Payment Form authorizing the amount of \$1,645.00 is enclosed to cover the Filing Fee, late filing surcharge, and Petition for five month Extension of time. The Commissioner is hereby authorized to debit or credit any fees set forth in §1.16 or §1.17 to Deposit Account No. 06-1358 as needed in order to effect proper filing of the application. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By  _____
John C. Holman
Reg. No. 22,769

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666

Atty. Docket: P66877US2
Date: December 22, 2004
JCH:mch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/804,223	03/19/2004	John Kevin Collins	P66877US2

00136
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004



CONFIRMATION NO. 6092

FORMALITIES LETTER



OC000000012825741

12/27/2004 SHINASS1 00000002 061358 10804223

Date Mailed: 06/01/2004

02 FC:2001 395.00 OP
03 FC:2051 65.00 OP
04 FC:2201 100.00 OP
05 FC:2202 245.00 CR

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/23/2004 SHINASS1 00000097 061358 10804223

01 FC:2001 395.00 OP
02 FC:2202 250.00 OP
03 FC:2201 100.00 OP
04 FC:2051 65.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$450** for a Small Entity

- \$385** Statutory basic filing fee.
- \$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice **MUST** be returned with the reply

Adjustment date: 12/27/2004 SHINASS1 10804223
12/23/2004 SHINASS1 00000097 061358
01 FC:2001 -395.00 OP
02 FC:2202 -250.00 OP
04 FC:2051 -65.00 OP
Adjustment date: 12/27/2004 SHINASS1 10804223
12/23/2004 SHINASS1 00000097 061358
05 FC:2255 245.00 CR

ant date: 12/27/2004 SHINASS1

AG

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE